

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
NOVEMBER 18, 2003  
7:00 P.M.**

1. The meeting was called to order at 7:00 pm. Declaration of a quorum present was given. The Flag salute and presentation of colors were done by Scout Troop 553, David Carpenter, Robert Earley, Kyle Shipman and Chris Garner. The Invocation was presented by Mike Anderson, Warr Acres Police Chaplin.

### **ROLL CALL**

#### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Justin Frisbie  
Councilman Jimmy Alexander  
Councilman Mike Gossman  
Councilman Walter Johnson  
Councilman Bob Wehba  
Councilman Barry Curl  
Councilman Tom Smith  
Councilman Greg Hayes

#### **ABSENT**

### **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Scott Barrett, City Engineer  
Wiley Rice, City Planner  
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.  
  
There were no comments from Warr Acres Residents.
3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.
  - A. Approval of Minutes – Regular City Council Meetings of November 4, 2003 and Special Meeting of October 28, 2003 continued on October 30, 2003.
  - B. Approval of Expenditures – General Fund                      \$ 28,091.54

Street & Alley                      \$ 7,585.63

- C. Sales Tax History Report.
- D. Approval to set a date of December 2, 2003 for a final Public Hearing on a SBC telecommunications cabinet located at 34<sup>th</sup> and Peniel. (Heard before the Planning Commission on November 11, 2003 and continued to November 17, 2003.)

Motion by Curl, second by Frisbie to approve the consent docket. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

The Mayor saw Mr. Philip Leon, with SBC in the audience and stated that he needed to address the council concerning the Planning Commissions restrictions placed on the Special Use Permit. She stated that she probably should have called on him to speak under item 2 and was sorry she missed him. Mr. Leon stated that the Planning Commission in the Special Use Permit said that the cabinet must be moved to the east and with this restriction they will be unable to complete the project.

- 4. Discussion and possible action on items removed from the consent docket.

**Moot.**

- 5. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner, Planning Commission Chairman, Traffic Commission Chairman and Board of Adjustment Chairman.

The Mayor introduced Greg Armstrong to council as the new Inspector. He approached the podium and stated that he appreciated the opportunity to serve the city.

Scott Barrett-stated that he had spoken with ODOT and work was underway on the plans for the corrections to MacArthur and NW Expressway.

Councilman Curl asked for background information concerning the SBC issue. Councilman Wehba stated that at first they thought it was in Bethany. After the work had started they discovered it was in Warr Acres and came in for a permit. They have continued to work, be shut down, work again and again be shut down. At the Planning Commission meeting the Commission decided to recommend approval of the Special Use Permit with the condition that the cabinet must be moved to the third lot farthest to the east. This poses a problem for SBC because the agreement was with the owner of the first lot and it has the direct access.

- 6. Discussion and possible action on Hammond and 33<sup>rd</sup> Street Drainage.

Councilman Wehba said the committee had its first meeting and it was very fruitful. Scott Barrett stated that there was a gentleman that he hoped to have at the next meeting that has a good background concerning the Storm Water issues. He said that he had requested three quotes for surveying and two for topography. He said he received one for topography from Terracon for \$1500 and this quote was lower than what he thought it might be. He stated that Terracon was a firm that he had used in the past and has been pleased with their work. He stated that he received two quotes for surveying, the first being from Mark Deal and Associates for \$2100 and the second from Jividen and Company for \$3650. He has worked with both companies and has been pleased with their work also. He recommended accepting the quotes from Mark Deal and Associates and Terracon. He stated the work would take around 30 days.

Motion by Wehba, second by Smith to award the bids to Mark Deal and Associates for \$2100 and Terracon for \$1500. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

Mr. Barrett stated that he would notify the companies the next day. Councilman Wehba stated that he would like to commend Chief Carter for the research he did concerning water flowing into the area. He also stated that it had come to his attention that there was also water from OKC dumping into this area.

7. Discussion and possible action on two positions on the Traffic Commission Ward I, to complete James Neece term and Ward III, to complete Jesus Morales term. Ward I term to expire March 2005 and Ward III term to expire March 2005.

Councilman Curl stated that he and Councilman Frisbie had interviewed several people for the Ward I seat. He stated that they felt that Mr. Stuart Chai was very qualified for this position and read some of his qualification from his resume. Mr. Chai was in attendance and stated it would be an honor to serve on the Traffic Commission.

Nomination of Stuart Chai for the Ward I Traffic Commission seat was made by Councilman Curl. There were no other nominations.

**Mr. Chai was appointed by acclamation with yea votes from all Council members.**

Councilman Alexander stated that he would like to table the Ward III Traffic Commission appointment until the next meeting since no one had a copy of the resumes.

Motion by Johnson, second by Frisbie to continue Ward III appointment to the December 2, 2003 meeting. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

8. Discussion and possible action on Approval of a Supplemental Budget Appropriation.

The clerk stated that these funds were the grant money applied for by Chief Patty.

Motion by Johnson, second by Wehba to approve the supplemental budget appropriation of the grant money. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

9. Discussion and possible action on a recommendation from the Traffic Commission to request the agreement between Warr Acres and Oklahoma City be honored in regards to the signalization that allows emergency vehicles to pass through with a green light.

This concerns the light at 50<sup>th</sup> and Dolese that was installed by OKC a few years ago without notifying Warr Acres. When Warr Acres questioned OKC concerning the light they admitted they were wrong and agreed to install an opticom sensors which would allow the fire department to change the light so that they could pass through on green when in route to a call. The council asked Chief Patty to look into the situation and report back to them at the December meeting.

10. Discussion and possible action on a recommendation from the Traffic Commission to eliminate the west bound left turn lane on NW 40<sup>th</sup>, at MacArthur.

Scott Barrett said that he checked out the intersection on three different occasions. He did not really understand why this was even recommended. He recommended to leave it the way it is.

Motion by Wehba, second by Smith to Deny the Traffic Commission recommendation. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

11. Discussion and possible action on approving contracts for Health, Life, Dental, Vision and COBRA insurance.

Robert Jernigan stated that these contracts were standard contracts and there was no problem with them that he saw.

Motion by Frisbie, second by Gossman to approve the insurance contracts. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

12. Discussion and possible action on encroachments on the Ann Arbor Project with 4 possible solutions: a) The city does the work; b) the city hires a contractor to do the work; c) the city has ODOT's contractor do the work; or d) a letter is sent to the property owners requiring them to do the work.

Scott Barrett stated the first thing he thought would be helpful was to give a definition of encroachment. This was anything constructed on the city's right of ways. He stated that usually in ODOT contracts the city is responsible for making sure the right of ways are cleared. For some reason this was not done here for what ever reason. Councilman Wehba stated that they had gone to the persons in the area and were given the clearance. Mr. Barrett said that was true but only where it pertained to driveways. The encroachments were a separate problem. Mr. Barrett stated that this was all taking place when he began working for the city and he knew that Mr. Reese had some things moved and that at the time these encroachments may not have been known about. The usual way this situation is handled is that the property owners are notified that they must move the fence or whatever it is that is in the right of way. However, due to the fact that the project is underway and these items must be moved now there is really not time to have the property owner move them. Mr. Barrett stated that most of the properties only need one panel moved, but on two of the properties the fence runs parallel to the street and the entire section of fence will need to be moved back. Councilman Wehba stated that in many cases the fences were there before the street, he asked Street Supervisor Johnny Dickson if the Street Department could do the work. Mr. Dickson stated that they could do most of it with no problem however it needs to be done quickly and not sure if they have the time. Robert Jernigan stated that there needed to be written agreements with the owners.

Motion by Wehba, second by Hayes to select option (b) For the City to hire a contractor to remove the fences from the right of ways and relocate them to make the properties whole, to notify all property owners, to declare an emergency, waive the bid process, not to exceed \$10,000. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

Councilman Wehba asked where the money would come from to pay for this work. The Clerk stated that in the past street projects such as this have come from Street and Alley. Councilman Johnson said that this was not really work on the street and did not believe it could come from Street and Alley since these funds are for specified uses.

Motion by Wehba, second by Hayes to appropriate the money for this portion of the project from the Street and Alley fund. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed.**

- 12.(a) Approval of the Emergency clause for Ord 995.

The Ordinance was passed at the November 4<sup>th</sup> meeting.

Motion by Wehba, second by Smith to approve the emergency clause. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

13. Discussion and possible action on the purchase of a new television and camera for the Council Chambers.

Everyone was in agreement that a new camera was needed. The Mayor stated that she would like to see a two camera system so when someone is speaking at the podium then their face will be seen on the television not their back. Councilman Smith said there are systems out there that will automatically switch cameras when someone steps up to the podium. There was much discussion over what type of system to purchase.

Motion by Frisbie, second by Gossman for Councilman Smith and Councilman Hayes to supply the city with bids for a new system. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

14. Discussion and possible action on the City of Bethany providing Animal Control Services for the City of Warr Acres.

Mayor Tardibono said that she was waiting for a proposal from Bethany and did not have it yet so she would like this item continued to the December 2, 2003 meeting. She said that Bethany was building a new facility and had several on their crew and that Warr Acres had an incinerator to offer as part of a deal. The question was raised concerning the truck that was ordered for the ACO officer as to when it will be here and what will happen to it. The truck should be here any time. The Mayor stated that there are other departments that could use the truck if it is not needed for ACO. Councilman Wehba stated that he would like a report from Chief Patty on what affect an agreement with Bethany might have on the Police Department. Chief Patty said his main concern is on citations and stated that he would really like to see the agreement and speak with Robert Jernigan before he gives an answer. Councilman Smith stated that he did not think that the city should enter into a contract with Bethany unless it has an escape clause. Councilman Johnson said absolutely, must have an escape clause.

Motion by Wehba, second by Frisbie to continue this item to the December 2, 2003 meeting. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion Passed unanimously.**

15. Questions and comments from Council members.

Councilman Gossman-asked Chief Patty what the apartments said when he told them they had to put the fence back up. Chief Patty said he had not told them yet.

Councilman Smith-welcomed the new Inspector and asked him what the term was that he had called himself. Inspector Armstrong stated it was Building Official.

Councilman Curl-asked if the Ordinance on parking on the grass could be placed on the television since this seems to be a growing problem.

Mayor Tardibono-read some letters she had received commending the sanitation department and Chief Carter. Mike Boatman's letter thanked the sanitation department and Earl Hayes for always providing him with a dumpster and dumping it when it needed to be dumped. Marlene Upton and Guy Boatright's letters thanked Chief Carter for lighting Mr. Boatright's furnace when he needed it.

16. New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

There was no new business.

17. The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk



## **MINUTES**

### **SPECIAL MEETING OF THE TRUSTEES OF THE WARR ACRES ECONOMIC DEVELOPMENT AUTHORITY**

**5930 NW 49<sup>TH</sup> STREET,  
WARR ACRES, OKLAHOMA**

**NOVEMBER 18, 2003**

**TUESDAY**

**7:00 p.m.**

1. The meeting was called to order at 8:29 p.m. Declaration of a quorum present was given.

## **ROLL CALL**

### **PRESENT**

### **ABSENT**

Chairperson Marietta Tardibono  
Vice-Chair Justin Frisbie  
Trustee Jimmy Alexander  
Trustee Mike Gossman  
Trustee Walter Johnson  
Trustee Bob Wehba  
Trustee Barry Curl  
Trustee Tom Smith  
Trustee Greg Hayes

2. Discussion and possible action on approval to pay a claim to Smith and Associates in the amount of \$1,072.50 for Welcome to Warr Acres bags.

Motion by Frisbie, second by Johnson to approve the payment. Poll vote:  
Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea;  
Smith, yea; Hayes, yea; and Tardibono, yea.

### **Motion Passed unanimously.**

3. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk